

Interview Summary

Application No.

09/034,336

Applicant(s)

Aga et al.

Examiner

Marjorie Moran

Group Art Unit

1631



All participants (applicant, applicant's representative, PTO personnel):

(1) Marjorie Moran

(3) _____

(2) Sheeridan Neimark

(4) _____

Date of Interview Feb 9, 2000Type: ☒ Telephonic ☐ Personal (copy is given to ☐ applicant ☐ applicant's representative).Exhibit shown or demonstration conducted: ☐ Yes ☒ No. If yes, brief description:Agreement ☐ was reached. ☒ was not reached.Claim(s) discussed: All pending

Identification of prior art discussed:

MARUTA

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:

The examiner informed Mr. Neimark that the after-final amendment filed 1/13/99 would not be entered as it introduces a new issue which would require further search and consideration. Plant substances in "juicy form" have not been previously recited in the claims, and are therefore a new issue. The examiner also pointed to col. 33-34 of MARUTA, which teaches addition of trehalose to "juicy" plant materials. In addition, the examiner acknowledged applicant's definition of "active-oxygen eliminating" as a "broader concept" than "antioxidant". The examiner then pointed to applicant's admission on p. 3 of the response that "antioxidant" is a subgenus of "active-oxygen-eliminating" and referred Mr. Neimark to MPEP 2131.02 which states that a species anticipates a genus. MARUTA's teaching (obviousness) of stabilization of antioxidants therefore anticipates stabilization of "active-oxygen eliminating" compounds, and the rejections are maintained.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1. ☒ It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a response to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

2. ☐ Since the Examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1 above is also checked.

Examiner Note: You must sign and stamp this form unless it is an attachment to a signed Office action.